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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,993	04/05/2001	Roland L. Fernandez	MS 154593.2/40062.108USU1	5192
27488	7590	04/21/2006	EXAMINER	
MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			PILLAI, NAMITHA	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/827,993	FERNANDEZ ET AL.
	Examiner Namitha Pillai	Art Unit 2173

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 January 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15,21-28 and 34-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15,21-28,34 and 35 is/are rejected.  
 7) Claim(s) 36-38 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	_____ Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 1/31/06 with amendments to claims 1-5, 8-15, 21-28, the cancellation of claims 16-20 and 29-33 and the addition of new claims 34-38. Claims 1-15, 21-28 and 34-35 have been rejected as being obvious over prior references disclosed. Claims 36-38 disclose allowable subject matter.

### ***Claim Objections***

2. Claims 36-38 are objected to as being dependent upon a rejected base claim 34, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6, 668, 354 B1 (Chen et al.), herein referred to as Chen and International Publication No. WO 95/31773 (Craycroft et al.), herein referred to as Craycroft.

Referring to claim 1, Chen discloses a computer system configured for providing

themes for graphical components, in a graphical operating systems environment such as windows, which includes an operating system that has the ability to display windows, the computer system having memory (column 1, lines 60-67). Chen also discloses a selecting module receiving a user request for a selected theme having an associated non-binary theme file with theme properties accessible by one or more processes (column 1, lines 36-39 and column 8, lines 45-50). Chen discloses that these properties are capable of being applied to one application in the graphical operating system, wherein Chen discloses that this theme properties are applicable to the web browser applications (column 1, lines 7-30), wherein Chen discloses the purpose of the invention wherein theme file properties are implement for applications that require various types of layout. Chen discloses a converting module converting the associated non-binary theme file into a shared binary theme file to facilitate retrieval of theme properties (column 3, lines 25-41). Chen also discloses a loading module loading the shared binary theme file into the memory so that themes can be applied to the graphical components (column 8, lines 45-55). Chen discloses that the theme property of the non-binary theme file is capable of being applied to the controls of the first application, this being the Internet application (column 1, lines 7-30). The style sheet theme property data is used for theme data for controls of an Internet application and is incapable of being applied to the controls of a second non-Internet application, which would not recognize the style sheet format. Chen discloses providing theme data for Internet applications but does not distinctly teach a first and second application. Craycroft teaches providing theme data for multiple applications in a computer system

(page 3, lines 27-31). Craycroft also discloses that the binary theme file data can be applied to controls of the first and second application (page 8, lines 5-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Craycroft to provide theme data for a first and second application. Chen has clearly disclosed providing theme data and disclosing binary file information for accessing theme data. Craycroft has disclosed providing theme data for multiple applications and further taught the advantages of providing theme data that can be applied to multiple applications, thereby providing a consistent interface to the user (page 4, lines 1-10). Hence, one skilled in the art at the time of the invention would have been motivated to learn from Craycroft to provide theme data to a first and second application.

Referring to claim 2, Chen discloses a plurality of processes, each process accessing the shared binary theme file (column 8, lines 45-48).

Referring to claim 3, Chen discloses an update handle module receiving a theme handle request from a control and distributing a theme handle if the control is found in the shared binary theme file so that the control can use the theme properties of the shared binary theme file and a close handle module closing the theme handle and decrementing a reference count on the shared memory in response to process termination so that a theme handle can be closed when a shared binary theme file is loaded (Figure 7A).

Referring to claim 4, Chen discloses a notification module notifying the processes that a new shared theme file has been loaded (column 3, lines 37-41).

Referring to claim 5, Chen discloses a schema file-parsing module parsing a schema file containing a list of all themeable controls and properties (column 3, lines 30-35). Chen also discloses a theme specification file-parsing module parsing a theme specification file specifying control sizes and colors (column 3, lines 30-35). Chen also discloses a building module building a shared binary theme file containing the controls, properties, sizes, and colors in a binary format (column 7, lines 30-40).

Referring to claim 6, Chen discloses that binary format is hierarchical, there being a data section for each hierarchy, the sections being a global section, a class section, a parts section, and a states section (column 8, lines 27-36).

Referring to claim 7, Chen discloses converting module further builds a packed data object section having all the theme properties for a class, part, and state (column 8, lines 37-38).

Referring to claim 34, Chen discloses a computer system configured for providing themes for graphical components, in a graphical operating systems environment such as windows, which includes an operating system that has the ability to display windows, the computer system having memory (column 1, lines 60-67). Chen also discloses a selecting module receiving a user request for a selected theme having an associated non-binary theme file with theme properties accessible by one or more processes (column 1, lines 36-39 and column 8, lines 45-50). Chen discloses that these properties are capable of being applied to one application in the graphical operating system, wherein Chen discloses that this theme properties are applicable to the web browser applications (column 1, lines 7-30), wherein Chen discloses the purpose of the invention

wherein theme file properties are implemented for applications that require various types of layout. Chen discloses a converting module converting the associated non-binary theme file into a shared binary theme file to facilitate retrieval of theme properties (column 3, lines 25-41). Chen discloses that the theme property of the non-binary theme file is capable of being applied to the controls of the first application, this being the Internet application (column 1, lines 7-30). The style sheet theme property data is used for theme data for controls of an Internet application and is incapable of being applied to the controls of a second non-Internet application, which would not recognize the style sheet format. Chen discloses providing theme data for Internet applications but does not distinctly teach a first and second application. Craycroft teaches providing theme data for multiple applications in a computer system (page 3, lines 27-31). Craycroft also discloses that the binary theme file data can be applied to controls of the first and second application (page 8, lines 5-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Craycroft to provide theme data for a first and second application. Chen has clearly disclosed providing theme data and disclosing binary file information for accessing theme data. Craycroft has disclosed providing theme data for multiple applications and further taught the advantages of providing theme data that can be applied to multiple applications, thereby providing a consistent interface to the user (page 4, lines 1-10). Hence, one skilled in the art at the time of the invention would have been motivated to learn from Craycroft to provide theme data to a first and second application.

Referring to claim 35, Chen and Craycroft disclose that the first and second render requests include a theme handle and a component state (Chen, column 9, lines 20-30).

4. Claims 8-15 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and U.S. Patent No. 6, 392, 671 B1 (Glaser).

Referring to claims 8 and 21, Chen discloses a method for creating a visual style for a set of controls for use on a computer system having a graphical operating system environment and processes with shared memory (column 1, lines 60-67). Chen discloses selecting controls from a schema file of graphical components, that are desired to have a defined visual style, each control being defined by a unique class name (column 4, lines 4-9). Chen also discloses assigning properties to the selected controls according to the defined visual style so that each selected control has assigned properties (column 4, lines 9-10). Chen also discloses grouping the pairs of selected controls and corresponding assigned properties for the defined visual style together in a class data file, converting the class data file into a shared binary theme file having a class data section having class names and assigned properties in a binary format and loading the binary theme file into the shared memory so that a visual style can be used to render controls (column 4, lines 5-25). Chen discloses that the theme data is created for rendering theme graphical components for an application (column 1, lines 7-30), but does not disclose a plurality of applications in the graphical operating system environment. Chen discloses that the class data file information is generated for the Internet application to access and format the controls according to a style provided

(column 4, lines 5-25). Glaser discloses a general theme teaching process, wherein Glaser teaches how components of a graphical operating system are rendered based on distinct theme data. Glaser further teaches that it is well known concept to rely on theme property files for rendering various applications and components of one operating system (column 1, lines 45-55). Glaser further teaches that these multiple applications access the same memory storage area containing files thereby reading on shared binary space representing files for accessing theme data. It would have been obvious for one skilled in the art, at the time of the invention to learn from Glaser to teach rendering graphical components based on theme data, wherein the components are of a plurality of applications in a graphical operating system environment. Both Chen and Glaser teach means for providing theme data to a computer system, for customizing the layout of the user interface. Glaser further teaches a theme process in addition to pointing out the well-known concept of providing theme data to render the components of a plurality of applications. Both Glaser and Chen teach the idea of providing and means for providing theme property data for rendering components, wherein Glaser has further pointed out that the rendering of components of a plurality of applications is a well-known concept. Chen has provided a theme means, wherein teaching how theme data is determined and rendering of these components of web applications, wherein it would have been obvious based on Glaser's well known teachings to learn that rendering of components of a plurality of applications. Hence, based on Glaser's well known teaching concerning these plurality of applications, it would have been obvious for one skilled in the art, at the time of the invention to learn from Glaser that the

rendering of the components based on theme data is applicable to components of a plurality of applications in the graphical operating system. Chen and Glaser teach multiple applications for which a visual style is set.

Referring to claims 9 and 22, Chen discloses that the controls defined within the schema file of controls have one or more part names associated with at least one class name, and the converting act further comprises creating a part property data section in the shared binary theme file, the part property data section having the one or more part names and the assigned properties (column 4, lines 4-13).

Referring to claims 10 and 23, Chen discloses that the controls defined within the schema file of controls have one or more state names associated with at least one defined part name, and the converting act further comprises creating a state property data section in the shared binary theme file, the state property data section having the one or more state names and the assigned properties (column 4, lines 4-13).

Referring to claims 11 and 24, Chen discloses identifying some properties as global properties, creating in the shared binary theme file a global properties section having the global properties to be used when a class name, part name, or state name cannot be found in the binary theme file (column 4, lines 4-13).

Referring to claims 12 and 25, Chen discloses a list of available properties is within the first schema file of controls, that may be selected in the selecting step for each control, part and state (column 4, lines 4-13).

Referring to claims 13 and 26, Chen discloses identifying a derived property for a control and associating a unique numeric identifier with the derived property to create a

derived property identifier (column 3, lines 32-34). Chen also discloses identifying one or more primitive properties for each derived property, wherein each primitive property has associated property data having a length, associating a unique numeric identifier with each primitive property, to create a primitive property identifier, calculating the lengths of each of the associated property data, selecting a derived property identifier, writing a binary tagged data module to a tagged data memory offset in the class data section of the shared binary file wherein the binary tagged data module contains the selected derived property identifier, the one or more, primitive property identifiers, the associated property values, and each of the property values' lengths and writing an associated parent part offset after each binary tagged data module, the associated parent part offset being a memory offset into the global class section (Figure 7A and column 6, lines 30-60).

Referring to claims 14 and 27, Chen discloses obtaining the memory offset of a binary tagged data module for a state and writing the memory offset to a second memory offset in a state jump table in the shared binary theme file (column 6, lines 35-50).

Referring to claims 15 and 28, Chen discloses writing the second memory offset to a third memory offset in a part jump table in the shared binary theme file (column 4, lines 38-47).

***Allowable Subject Matter***

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 36-38 contains allowable subject matter. Chen, Craycroft and Glaser

disclose systems that allow for applications and multiple applications to have a distinct style based on theme data provided through binary files, with any file data that is represented in binary format used in computer systems representing the shared binary files. Furthermore, the cited references allow for user interaction for determining visual styles of the theme data. The cited references do not teach the specific teachings of claims 36-38 for accessing the known shared binary theme file and data within this file. The detailed teachings of these claims would not be obvious over the prior references used.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1 . 1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
April 17, 2006



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PRIMARY EXAMINER  
ART UNIT 2173